IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 37867 of 2007(G)

PETITIONER:

K.P. SHAJI, AGED 39 YEARS,
S/O. PADMANABHAN, GOKULAM HOUSE, KOZHUVALLOOR,
VENMANI, THIRUVALLA, PATHANAMTHITTA.

BY ADV. SRI.C.V.MANUVILSAN
SRI.P.K.KHALEEMUDHEEN
SRI.P.C.ANIL KUMAR
SRI.DARSAN SOMANATH

RESPONDENTS:

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1. THIRUVALLA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY.

2. SECRETARY,
THIRUVALLA MUNICIPALITY.

3. THE REVENUE DIVISIONAL OFFICER,
THIRUVALLA.

4. THE VILLAGE OFFICER, KUTTAPPUZHA.

5. THE TRIBUNAL FOR LOCAL SELF GOVERNMENT
INSTITUTIONS.
(ADDL. R5 IS IMPLEADED AS PER JUDGMENT)

BY S.C. SRI.S.SUBASH CHAND

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 37867 of 2007

Dated this the 19th day of December , 2007

JUDGMENT

The Tribunal for Local Self Government Institutions is impleaded suo motu as additional 5th respondent in this writ petition. The Registry will carry out corrections in the cause title.

2. Sri.Subhash Chand, the learned Standing Counsel takes notice for the respondent Municipality and the learned Government Pleader takes notice for respondents 3 and 4. Against Ext.P6 order passed by the Secretary of the Municipality, the petitioner has preferred an appeal before the Council of the Municipality. One of the reliefs sought for in this writ petition is a direction to the Municipal council to entertain Ext.P8 appeal and dispose of the same.

3. The Government Pleader points out that Ext.P6 is only a direction to produce certain documents and it does not amounts to rejection. But, being aggrieved by Ext.P6, the petitioner has preferred Ext.P8 appeal. The learned Standing Counsel submits that Ext.P8 will not be maintainable before the Council. He submits that the appeal will lie only before the Tribunal for Local Self Government

Institutions.

I dispose of this writ petition relegating the petitioner to his remedies by way of appeal before the Tribunal for Local Self Government Institutions. If the Tribunal for the Local Self Government Institutions receives appeal against Ext.P6 from the petitioner within two weeks from today, the Tribunal will entertain that appeal, notwithstanding the apparent delay and dispose of that appeal in accordance with law, at the earliest and at any rate within two months of receiving the appeal together with a copy of this judgment as well as copies of all documents, upon which the petitioner intends to rely.

PIUS C. KURIAKOSE,

JUDGE.

dpk